Remarks

On August 8, 2000 at 10:00 A.M., Pacific daylight time, the Applicant's representative, David Lewis, had a prearranged interview with Examiner Jimmy H. Nguyen. The Applicant and his representative thank the Examiner for his time.

The Applicant's representative proposed to amend claim 26 as indicated below and make similar amendments to the other independent claims, if the amendment to claim 26 is acceptable.

26. (Twice Amended) A system for generating [a high-luminance viewing] an application window, of an application program, of a higher luminance than other regions unrelated to the application program on a computer display device, comprising:

a host computer system for running [an] said application program;

a processor device for automatically generating a window control signal in response to said application program;

a window generator device, for receiving said window control signal, and for generating a window information signal; and

a display control device included in said computer display device for receiving a video signal and said window information signal, for processing said video signal in response to said window information signal and for providing a processed video signal to [a] said computer display [screen] device to generate said [high-luminance viewing] window [thereon], said display control device being capable of simultaneously generating said regions unrelated to said application program, wherein the application window has a higher luminance than said regions.

The Examiner stated that further search and consideration would be necessary and that he would not consider the amendment during the interview, or give any indication as to whether claim 26 so-amended might be allowable. The Applicant's representative explained that the point of the above amendment is to claim that the window of the applicant is unrelated to the regions outside of the window, in contrast to McLaughlin et al. and Whitehead. (Although not explicitly discussed in the interview, McLaughlin et al.'s window is used to calibrate the color conversion from the color space of the display screen to the color space of a peripheral, while Whitehead displays a blow up of a region of a larger picture.) The Applicant's representative asked if there was any subject matter which the Examiner considered allowable that would not need further search or consideration. The Examiner did not suggest any allowable subject matter. The Applicant's representative asked if it would be possible to arrange to talk another time when a primary Examiner would be available; however the Examiner did not express a willingness to make such arrangements. The Examiner seemed reluctant to consider anything during the interview.

Nonetheless, the Applicant's representative suggested the alternative amendment to claim 26, below.

26. (Twice Amended) A system for generating a high-luminance viewing window on a computer display device, comprising:

a host computer system for running an application program;

a processor device for automatically generating a window control signal in response to said application program;

a window generator device, for receiving said window control signal, and for generating a window information signal; and

a display control device included in said computer display device for receiving a video signal and said window information signal, for processing said video signal in response to said window information signal and for providing a processed video signal to a computer display screen to generate said high-luminance viewing window thereon, said display control device including a limiter for limiting the luminance within the high luminance viewing window.

The Applicant's representative pointed out that only Lagoni discloses a BCL or ABL for limiting the beam intensity. (Although not explicitly discussed during the interview, column 1, lines 30-32, explain that BCL and ABL are two different terms for the same thing.) However, Lagoni applies the ABL or BCL outside of the window and does not apply it inside the window. In contrast the Applicant applies the ABL or BCL only inside the window. The Applicant's representative pointed to Lagoni column 7, lines 45-49, which state, "the BCL is disabled during the time interval in which the small picture is being displayed." The Examiner read these lines carefully and did not disagree. The Examiner suggested faxing the proposed amendment to the Examiner so that it could be considered. It was unclear to the Applicant's representative whether the Examiner was expecting a formal response by facsimile or just the proposed amendment to claim 26, for further discussion via phone in a day or so. When the Applicant's representative asked for clarification, the Examiner got off the phone and attempted to talk to his supervisor. The Examiner returned, to say that the Applicant's representative needed to file a formal response to have these amendments considered.

The Applicant's representative has attempted to present a fair and accurate record of the interview. However, the Examiner is invited to correct any inaccuracies and/or add any omissions that the Applicant's representative may have inadvertently stated.

The drawings

The Applicant agrees to add the legend - - Prior Art - - to FIGs. 1 and 4A, after the issuance of a notice of allowance.

35 USC §103

The Examiner rejected claims 26, 27, 34-37, and 41-45 under 35 USC 103 as unpatentable over McLaughlin et al. in view of Whitehead. The Examiner rejected claims 28-33 and 38-40 under 35 USC 103 as unpatentable over McLaughlin et al. in view of Whitehead further in view of Lagoni.

McLaughlin et al.

Regarding claims 26, 27, 34-37, and 41-45, the Applicant discloses a separate unit that handles the windows, window generator 326. The element is referred to directly in independent claim 26 and referred to via the step of generating a window information signal based on the window control signal. The Examiner has not shown any element of McLaughlin et al. that clearly corresponds to the window generator 326 by receiving a window control signal and using it to generate a window information signal, as claimed.

The Applicant recognizes that the Examiner associates the processor 16C with the claimed window generator and associates circuitry 16D with the claimed display control device,

which constitutes just two separate elements, citing FIGs. 1, 5, 8 and 11; column 5, lines 10-28; and 52-66; column 14, lines 36-42; and column 15, lines 13-22. However, independent claim 26 recites a processor, a window generator and a display control device, which constitutes three separate elements. Similarly, independent claim 45 recites a means of generating a window control signal, a means of generating a window information signal, and a means of processing. The Examiner also has not shown which elements or combinations of elements of McLaughlin et al. constitute the "means for applying" of independent claim 45, while independent claims 36 and 43 recite method steps corresponding to the function of these elements. Thus, following the Examiner's line of reasoning McLaughlin et al. appear to be missing one of the claimed elements.

The claimed window generator receives window control information from the processor. The Examiner has not shown how McLaughlin et al.'s processor 16C (which the Examiner alleges is a window control generator) receives window control information from a processor. The claimed processor generates the window control signal based on an application program. It is not clear which element of McLaughlin et al. the Examiner believes is generating a window control signal based on an application program it is running and then sending that signal to McLaughlin et al.'s processor 16C (which the Examiner associates with the window generator).

Independent claims 26, 36, 43, and 45 refer to generating a window control signal, which is used to generate a window information signal, which in turn is processed in order to produce the high-luminance window. While the passages referred to by the Examiner use the phrase "control signal," McLaughlin et al. never clearly disclose a separate window control signal and window information signal. The phrases "window information" and "information signal" are absent from McLaughlin et al.

Discussing each of the passages cited by the Examiner in the order they occur, column 5, lines 10-28 mention that processor 16C (the Examiner's alleged window generator) "relays" signals as opposed to using the window control signals to generate window information signals, and mention that "signals (from processor 16C) are typically generated in response to user commands entered using keyboard 10 or mouse 18," rather than being produced in response to window control signals from a processor running an application program. Although there may be some ambiguity with regard to processor 16C and the signals it receives, processes and sends, the burden of proof is upon the Examiner to show the claimed invention to be unpatentable and therefore to show that these ambiguities are resolved in favor of obviousness. The Applicant respectfully submits that the Examiner's assertions in the last full paragraph of page 7, about control circuit 16D receiving both a video signal and a window information signal, are unsupported. Although control circuit 16D is described as being controlled by processor 16C in FIG. 1 (cited by the Examiner), there is no description of control circuit 16D receiving both a "video signal" and a "window information signal," as recited in independent claims 26, 36, 43, and 45.

Although column 5, lines 52-66 (cited by the Examiner) mentions sending "control signals" to processor 16C and/or 16D, it is not clear if these are "window control signals," as recited in independent claims 26, 36, 43, and 45. Further, column 5, lines 52-66 do not disclose how processor 16C or circuitry 16D respond to this control signal, and therefore do not disclose processor 16C generating a "window information signal" or circuitry 16D processing a window information signal, as recited in independent claims 26, 36, 43, and 45.

Column 14, lines 36-42 (cited by the Examiner) refer to "display parameters" described in the previous paragraph (column 14, lines 15-35), which also refers to "display parameters,"

without ever mentioning the word "window" and therefore does not refer to "window control signals" being received by processor 16C or "window information signals" being generated by processor 16C (which is required for processor 16C to constitute the claimed window generator) or being processed by circuitry 16D (which is required for circuitry 16D to constitute the claimed display control device).

Although the Examiner apparently cited column 15, lines 13-22 because of the discussion of window 300 of FIG. 11, processor 16C and circuitry 16D are not discussed there. Thus the Applicant respectfully submits that the Examiner has not shown how the passages he cited support his allegations that (1) processor 16C receives a window control signal, (2) processor 16C generates a window information signal, (3) processor 16C behaves as a window generator in any other way, or (4) circuitry 16D processes window information. Likewise, the Applicant respectfully fails to see where any of these passages have a clear teaching of generating a window information signal in response to a window control signal and processing the window control signal.

The Examiner alleges that McLaughlin et al. discloses a "main window and said high luminance viewing window." Although McLaughlin et al. may show more than one window, the Examiner has not shown why one of the windows constitutes a "high-luminance" window.

McLaughlin et al. in view of Whitehead

The Examiner stated (page 4, second full paragraph of the Office Action),

it would have been obvious to one of ordinary skill in this art to utilize teachings of Whitehead to explain clearly the functions of said window generator device and said control display device of McLaughlin et al.

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However, as shown above, it is _not_ clear if McLaughlin et al. even have a window generator device to "explain." McLaughlin et al. has two processors; processor 11 feeds into processor 16C. In contrast, Whitehead shows only one processor 54. McLaughlin et al. lack an element corresponding to MUX 62. Yet it seems that McLaughlin et al. would need some sort of device for receiving both the signal from the highlight select and the image memory, were Whitehead merely giving details of McLaughlin et al.'s alleged widow generator and display control device, which allegedly receives a video signal and a window information signal for processing. The Applicant respectfully fails to see which elements of Whitehead "explain" which elements of McLaughlin et al.

The Examiner alleged that the motivation for combining McLaughlin et al. and Whitehead was "to allow the operator adjusting the brightness and/or contrast of the selected highlight area and/or the background image independently." However, although Whitehead highlights a selected area of an image to see more detail in that region, and may be interested in the highlighted region and background region simultaneously, McLaughlin et al. is _not_. One matches the test image 300 against a printed image to get the color conversion correct from the screen to a peripheral such as a printer (e.g. RGB to CMY, see column 14, lines 53-63, for example). Window 300 is presumably the entire image, _not_ just a highlight of a portion of the image, in contrast to the "window" of Whitehead. In McLaughlin et al., it makes no sense to use Whitehead's independent adjustment of a highlighted region and a background region to replace McLaughlin et al.'s separate calibration of the image on the screen 16A (taught in connection with FIG. 10) and calibration of the color space conversion in window 300, when McLaughlin et al.'s circuit including processors 11 and 16C is ideally suited for the job, and Whitehead's highlight circuit is not.

Regarding the Examiner's assertions in the paragraph bridging pages 7 and 8, it is <u>not</u> clear whether making window 300 of <u>McLaughlin</u> et al. a high-luminance window is even desirable because the brightness level is part of the conversion between color spaces taught by <u>McLaughlin</u> et al. Thus increasing the luminance of window 300 automatically without following the color conversion prescribed by the user's calibration would produce a print that is darker than window 300 indicates, misleading the user, and thereby degrading or destroying the intended operation of <u>McLaughlin</u> et al. (cf.. MPEP 2143.02, p. 2100-99, the section titled, "THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE" which cites *In re Gordon* 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

Analogy/non-analogy of <u>McLaughlin</u> et al., <u>Whitehead</u> and <u>Lagoni</u>

Further, regarding the Examiner's allegations (the first full paragraph of page 4 and the last paragraph of page 6 of the Office Action) about <u>McLaughlin</u> et al., <u>Whitehead</u> and <u>Lagoni</u> all being analogous art, <u>Lagoni</u> relates specifically to a picture-in-a-picture, which is concept that is specific to a viewing multiple channels on a passive television receiver; <u>McLaughlin</u> et al.'s "window" of FIG. 11 relates to converting between color spaces, a concept specific to forwarding a picture to a peripheral device of a computer; <u>Whitehead</u> relates to highlighting a portion of a picture so as to be able to see the entire picture and details simultaneously to enable diagnosis of patient, a concept specific to the medical field; and the Applicant's system relates to windows, which is a concept specific to a computer and the Internet. The Applicant respectfully submits that contrary to the implications of the Examiner's assertions, the explicit statements of <u>Lagoni</u> relate to a television receiver, and <u>not</u> to a computer. <u>Lagoni</u> never mentions the word

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"computer" in his specification. As Lagoni's invention is a television receiver, it only receives signals for pictures but does not actually *generate* them, in contrast to a computer that runs applications that generate pictures. In Lagoni the user is viewing two unrelated series of moving video pictures while in McLaughlin et al. the user is viewing the identical still picture twice, for converting between color spaces, and in Whitehead the user is viewing different parts of the same picture simultaneously. The Applicant respectfully submits that contrary to the Examiner's assertions, McLaughlin et al.'s system for calibrating an entire display screen using a window containing a duplicate image of the entire screen for color space conversion, is no more analogous to the Applicant's high-luminance window system for a computer system, to Whitehead's system for highlighting a portion of the screen showing an X-ray, for example, or to Lagoni's picture-in-a-picture for passive viewing of two television channels, than compact modular memories of a single size are to memory circuits of varying sizes of *Wang Laboratories Inc v. Toshiba Corporation* 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993), cited in MPEP 2141.01, p. 2100-93, the paragraph bridging columns 1 and 2.

McLaughlin et al. in view of Whitehead and further in view of Lagoni

Regarding claims 28-33 and 38-40, in the last sentence of the second paragraph of page 6 of the Office action, the Examiner refers to the Picture-In-a-Picture (PIP) processing section 5 of Lagoni as a "window generator device" thereby associating it with the Applicant's claimed window generator, and alleges that it generates a "window information signal." However, the picture-in-a-picture processing section 5 receives the AVC signal and the MVC signal and

> selects one of the MVC or ACT [sic] signals coupled to its inputs for the big picture and the other signal for the small picture (column 3, lines 34-39)

without significantly modifying the MVC or AVC signal. In other words, the PIP processing section 5 just selects which signal is used for the big picture and which is used for the small picture, rather than "generating a window information signal in response to a window control signal," as essentially recited in independent claims 26, 36, 43, and 45.

The Examiner alleges (at the top of page 7 of the Office Action) that Lagoni "explains" the gain control 70 of Whitehead. The Applicant respectfully requests clarification as to which components of Lagoni the Examiner believes constitute the gain control of the claims, because a BCL just limits current, and it is not clear why Lagoni needs a gain control in addition to the brightness control, in contrast to Whitehead, for example. Whitehead's gain control has only one input and one output, while Lagoni's BCL, as well as Lagoni's combined BCL and brightness control section, appears to have multiple inputs and/or outputs. Consequently, the Applicant respectfully submits that he does not see how Lagoni can "explain" the gain control 70 of Whitehead.

The Examiner stated (the second paragraph of page 7 of the Office Action),

> The suggestion for doing so would have been to obtain a system for generating high-luminance viewing window, which is not isolated from the influence of the main picture but rather has a specific relationship in that the sub-window has a higher luminance.

The Applicant respectfully submits that this "motivation" comes from the claimed invention. Absent the teaching of the claimed invention, this appears to be a statement of the resultant combination, as understood by the Examiner, rather than a statement of the motivation. To show a motivation the Examiner needs to show where in the references the motivation is taught or suggested, which the Examiner did not show in this statement (cf. MPEP 2143.01, which cites *In re Rouffet* 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998)). If the only teaching of such a reason for making the combination comes from the Applicant's

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specification, it is by definition hindsight. Further, the above statement does <u>not</u> give a reason why the high-luminance window is desirable or why one of ordinary skill in the art would have recognized it to be desirable within the invention of <u>McLaughlin</u> et al.

As pointed out above with regard to <u>Whitehead</u>, to make window 300 of <u>McLaughlin</u> et al. bright, according to <u>Lagoni</u>, could ruin the color conversion setup by the user, and would therefore <u>not</u> be obvious.

Summary

The amended claims recite a limiter that limits the luminance within the high-luminance window of the claimed invention, while <u>Lagoni</u> teaches to limit the beam only outside of the high-luminance window (cf. the Summary of the Invention and column 6, lines 43-47 refer to "inhibiting [the] BCL ... during the time that the small picture is being displayed," for example.) This feature is <u>not</u> taught or suggested by any of the references.

Despite window 300, <u>McLaughlin</u> et al. never disclose generating a window information signal based on a window control signal, and never disclose a display control device that receives both a window information signal and a window control signal that are used to produce a processed video signal.

It would appear to be undesirable to make test window 300 of <u>McLaughlin</u> et al. a high-luminance window because that may confuse the user and thereby degrade the quality of the color conversion for making prints.

The Applicant respectfully submits that it does <u>not</u> make sense to use <u>Whitehead</u>'s highlight system to provide separate control of <u>McLaughlin</u> et al.'s calibration and color conversion of FIGs. 10 and 11, when <u>McLauglin</u> et al.'s was specially designed for doing the separate calibration of the main image and color conversion in window 300, while <u>Whitehead</u> was <u>not</u>.

Therefore the rejections of claims 26-45 should be withdrawn and the Application should be allowed. If the Examiner has questions regarding this case he is invited to contact the Applicant's undersigned representative.

Respectfully Submitted,

Richard D. Cappels, Sr.

Date:_____ Aug. 24, 2000 _____ By: _____

David Lewis, Reg. No. 33,101
Carr & Ferrell *LLP*
2225 East Bayshore Road, Suite 200
Palo Alto, CA 94303
Phone (650) 812-3400
Fax (650) 812-3444